

Virginia:

IN THE CIRCUIT COURT FOR THE COUNTY OF ALBEMARLE

December 4, 2017 TERM

THE GRAND JURY CHARGES THAT, in the County of Albemarle CHRISTOPHER K. CANTWELL unlawfully and feloniously

commit assault and battery on
~~On or about August 11, 2017, did maliciously release or cause to be released in a place of public gathering tear gas, mustard gas, phosgene gas or other noxious or nauseating gases or mixtures of chemicals designed to, and capable of, producing vile or injurious or nauseating odors or gases and thereby cause bodily injury, in violation of § 18.2-57 of the Code of Virginia (1950) as amended.~~

ASK 1/3/13 - M1
VCC CODE: WPN-5239-F3

Docket Number:

Grand Jury Witness: Sergeant Casey Acord
University Of Virginia Police Department

A True Bill

Carol Grace Spivey
Foreman of the Grand Jury

Not A True Bill

Foreman of the Grand Jury

a true copy TESTE:

JON R. ZUG, CLERK

by: *Jon R. Zug*
Deputy Clerk

Virginia:

IN THE CIRCUIT COURT FOR THE COUNTY OF ALBEMARLE

December 4, 2017 TERM

THE GRAND JURY CHARGES THAT, in the County of Albemarle CHRISTOPHER R. CANTWELL unlawfully and feloniously

commit assault and battery
On or about August 11, 2017, did maliciously release or cause to be released in a private home, a place of business, or place of public gathering tear gas, mustard gas, phosgene gas or other noxious or nauseating gases or mixtures of chemicals designed to, and capable of, producing vile or injurious or nauseating odors or gases and thereby cause bodily injury, in violation of § 18.2-⁵⁷~~312~~ of the Code of Virginia (1950) as amended.

VCC CODE: *ASL 1313-M / CC* *WPN-5239-F3*

Docket Number:

Grand Jury Witness: Sergeant Casey Acord
University Of Virginia Police Department

A True Bill

Carol Hance
Foreman of the Grand Jury

Not A True Bill

Foreman of the Grand Jury

a true copy TESTE:

JON R. ZUG, CLERK

by: *Don H. Zug*
Deputy Clerk

DIRECT INDICTMENT

17845
17R239_REP-000038.02

VIRGINIA: IN THE CIRCUIT COURT FOR THE COUNTY OF ALBEMARLE
COMMONWEALTH OF VIRGINIA

v.

Christopher Cantwell

Case Nos. CR 17000784-00, 845-00; 17000784-01

PLEA OF GUILTY TO MISDEMEANORS

- (1) My name is Christopher Charles Cantwell.
- (2) I am represented by counsel whose name is **Elmer Woodard**.
- (3) I have received a copy of the indictments before being called upon to plead. I have read them and discussed them with my attorney, and I understand the charges against me. I have told my attorney everything I know about the case against me. My attorney has explained to me the elements of Virginia Code 18.2-57(A), Assault and Battery and a Violation of Conditions of Bond. That is, my attorney has explained what the Commonwealth must prove in order to convict me. I have discussed with my attorney whether to plead guilty or not guilty. After that discussion, I have decided for myself that I should plead guilty. I understand that by pleading guilty I admit that I committed the offense to which I am pleading. We have also discussed any possible defenses I might have to the offense(s) to which I am pleading guilty.
- (4) I understand that by pleading guilty I waive all objections to the admissibility of evidence and to the legality of my arrest and any search and seizure of property.
- (5) I understand that I may, if I so choose, plead "Not Guilty" to any charge against me, and if I do plead "Not Guilty" the Constitution guarantees that I would have:
 - (a) the right to a speedy and public trial by jury, with a lawyer to assist me at all stages of the proceedings, and the jury of twelve persons must unanimously agree that I am guilty beyond a reasonable doubt before I can be convicted;
 - (b) the right to see, hear, and be confronted with all witnesses against me, and the right to cross-examine those witnesses;
 - (c) the right to use the process of the Court to compel the production of any evidence and attendance of witnesses on my behalf;
 - (d) the right to require the Commonwealth to prove every material allegation against me beyond a reasonable doubt, and to prove my guilt beyond a reasonable doubt;
 - (e) the right to seek appellate review of the decision of this Court in the event I am convicted; and

(f) the right to remain silent and not to take the stand or give testimony against myself, and I understand that no inference could be drawn from my failure to testify.

I understand that I am waiving these rights by pleading guilty.

(6) I understand that by pleading guilty I subject myself to the same possible penalties as if I had been convicted of the same offense after a trial by jury or the Court sitting without a jury. I understand these possible penalties are: For Assault and Battery in violation of Virginia Code 18.2-57(A), and Contempt of Court, confinement in jail for not more than twelve months and a fine of not more than \$2,500, either or both, for each offense. I understand that probation may or may not be granted, and that sentences for more than one offense are served consecutively (one after another) unless otherwise ordered by the Court.

(7) No one connected with the state, such as the police or the Commonwealth's Attorney, or any other official, has in any manner threatened me or forced me to enter this plea of guilty when in fact I am not guilty.

(8) Pursuant to Rule 3A:8(c)(1)(C), I have made the following agreement with the Attorney for the Commonwealth:

The Commonwealth will amend Indictment CR17000-784 to assault and battery against [REDACTED], in violation of Virginia Code section 18.2-57(A). (VCC Code ASL- 1313 M-1). The Commonwealth will amend Indictment CR17000-845 to assault and battery against [REDACTED] in violation of Virginia Code section 18.2-57(A) (VCC Code ASL- 1313 M-1). The Defendant will plead guilty to indictment CR 17000784 and indictment CR 17000845, as amended.

As part of this plea agreement, the defendant agrees to the following conditions: on Indictment CR17000784, the defendant will be sentenced to twelve (12) months with all but seven (7) months suspended. On Indictment CR17000845, the defendant will be sentenced to (12) twelve months, with all but 7 months suspended. The sentences will run concurrently with each other. The Defendant has 107 days jail credit.

The balance of the sentences are suspended on the following conditions:

The Defendant shall be of good behavior for a period of two years. During that period, the Defendant, by agreement of the parties:

Shall not return to Albemarle County or the Commonwealth of Virginia except for compulsory criminal or civil process. He shall leave the Commonwealth of Virginia within 8 hours of the entry of this plea and not return for a period of five years.

Shall not possess a firearm while in the Commonwealth of Virginia;

Shall have no contact, direct or indirect, with the victims, [REDACTED] or [REDACTED], including but not limited to using names or identifying them by specific characteristics that identify them on social media or radio broadcast;

Shall pay the costs of this proceeding.

If the terms of this agreement are not violated, the Commonwealth agrees to bring no additional charges arising directly from the Defendant's deployment of pepper spray, tear gas, phosgene, or other gas, on August 11, 2017.

The Commonwealth will amend the code section for a Violation of Conditions of Bond from Virginia Code § 19.2-306 to Virginia Code § 18.2-456(5). The Commonwealth and Defendant recognize that imposition of sentence for violating these conditions rests with the discretion of the Court and is separate and independent from the above guilty plea. However, the Commonwealth will not seek imposition of a jail sentence if the Defendant acknowledges violation of bond conditions.

(9) I understand that pursuant to Rule 3A:8(c)(1)(C), the Court may either accept or reject the agreement between me and the Commonwealth's Attorney, or may defer its decision as to the acceptance or rejection until there has been an opportunity to consider a presentence report.

(10) I am entirely satisfied with the services of the attorney who has represented me in this matter.

(11) I understand that by pleading guilty I waive any right of appeal from the decision of the Court.

(12) I understand that by pleading guilty and being convicted of the offense(s) that there may be consequences to my immigration or legal status and I wish to enter this plea despite any such consequences. I acknowledge that by entering this plea of guilty, I waive any right to withdraw my plea based on any present and future consequences to my immigration or legal status. I also understand that immigration and the status of aliens are subjects of the Federal Government's power, and that this Court has no jurisdiction over matters of immigration, legal status, or deportation.

(13) I understand all the questions which have been asked of me and do not have any further inquiries.

(14) The parties understand and stipulate that this agreement is binding and certify that they have already relied upon it to their mutual detriment. In this case, due to the potential prejudice to the Commonwealth, I expressly agree that I am waiving my ability to withdraw my guilty plea at a future date after the Court has accepted this plea agreement.

(15) I therefore freely and voluntarily make no claim of innocence and plead guilty to the offense(s) of two counts of Assault and Battery and Contempt of Court as set forth above.

Signed in the presence of my attorney this 20 day of July, 2018.


Defendant

The above accords with our understanding of the facts in this case.

Elmer Woodard

Counsel for Defendant

John M. Krumm

Attorney for the Commonwealth

7.20.18 accepted:

Charles V. Higgins

Judge

Circuit Court for the County of Albemarle

a true copy TESTE:

JON R. ZUG, CLERK

Jon R. Zug
Deputy Clerk